

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES J. HAYES, Individually and On  
Behalf of All Others Similarly  
Situating,

Plaintiff,

v.

HARMONY GOLD MINING COMPANY LTD,

Defendant.  
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BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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08 Cv. 3653 (BSJ)

Order

On March 19, 2010, this Court denied Defendant's Motion to Dismiss the Amended Complaint. On March 24, 2010, Defendant filed a Motion for Reconsideration. For the following reasons, Defendant's Motion for Reconsideration is DENIED.

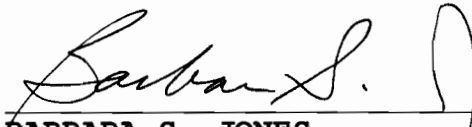
In its Motion for Reconsideration, Defendant argues that this Court's decision failed to consider the sufficiency of the complaint under the Private Securities Litigation Reform Act ("PSLRA"). (Def. Mem. at 1.) Under the PSLRA, a §10(b) claim must be pled with particular "facts giving rise to a strong inference" of scienter. 15 U.S.C. § 78u-4(b)(2). This is a heightened pleading standard, more rigorous than the "facial plausibility" standard of Fed. R. Civ. P. 8 and 12(b)(6). South Cherry St., LLC v. Hennessee Group LLC, 573 F.3d 98, 110-11 (2d Cir. 2009).

In the March 19, 2010 ruling, this Court considered the heightened pleading standard in the PSLRA and determined that Plaintiff had met that standard. As such, this Court denied Defendant's Motion to Dismiss the Amended Complaint.

Conclusion

Defendant's Motion for Reconsideration (Docket #36) is DENIED.

SO ORDERED:

  
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**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
April 27, 2010